

JAP:RMT

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**11-097**

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UNITED STATES OF AMERICA

- against -

ROBERT SMITH,

Defendant.

AFFIDAVIT AND COMPLAINT  
IN SUPPORT OF AN ARREST  
WARRANT

M. No. \_\_\_\_\_  
(18 U.S.C. § 2252(a)(2))

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EASTERN DISTRICT OF NEW YORK, SS.:

EMILY BOURNE, being duly sworn, deposes and says that she is a Special Agent with the Department of Homeland Security, Homeland Security Investigations ("HSI"), duly appointed according to law and acting as such.

In or about and between May 2009 and February 2010, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ROBERT SMITH did knowingly receive and distribute any visual depiction, the production of such visual depiction having involved the use of one or more minors engaging in sexually explicit conduct and such visual depiction was of such conduct, using any means or facility of interstate or foreign commerce or that has been mailed, or has been shipped or transported in or affecting interstate or foreign commerce or which contains materials which have been mailed or so shipped or transported, by any means including by computer.

(Title 18, United States Code, Section 2252(a)(2)).

The source of my information and the grounds for my belief are as follows:<sup>1</sup>

1. I have been employed as a federal agent since 2007 and am currently assigned to the New York Office, Child Exploitation Group ("CEG"). I have gained expertise in the conduct of such investigations through training in seminars, classes, and daily work related to conducting these types of investigations, including the execution of multiple search warrants relating to child pornography offenses and the subsequent prosecution of offenders.

2. I am familiar with the information contained in this affidavit based on my own personal participation in the investigation, my review of documents, my training and experience, and discussions I have had with other law enforcement personnel concerning the creation, distribution, and proliferation of child pornography. Additionally, statements attributable to individuals herein are set forth in sum and substance and in part.

3. On March 4, 2010, your Affiant was investigating computers with New York IP addresses that were or had been sharing child pornography on the Internet. Your Affiant was looking for the offenders actively sharing child pornography within New York State using a law enforcement database that records publically

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<sup>1</sup> Because the purpose of this complaint is merely to establish probable cause to arrest, I have not set forth all of the facts and circumstances concerning this investigation of which I am aware.

broadcast information pertaining to certain file-sharing networks frequently used to send and receive child pornography.

4. Your affiant utilized that law enforcement database and identified IP address 24.184.186.134 as a user that has been observed connected to the Internet and sharing images related to child pornography.

5. On March 4, 2010, your affiant issued a summons to Cablevision for account information related to IP address 24.184.186.134. Cablevision responded to the summons and identified the account using IP address 24.184.186.134 from December 29, 2009, to March 8, 2010, as belonging to the account of the defendant ROBERT SMITH, who resides in Brooklyn, New York.

6. On April 15, 2010, the Honorable Robert M. Levy, U.S. Magistrate Judge in the Eastern District of New York, signed a search warrant for the residence of the defendant ROBERT SMITH authorizing agents to search for and seize evidence or fruits or instrumentalities of the possession, transportation, receipt, distribution and reproduction of sexually explicit material relating to children, in violation of Title 18, United States Code, Sections 2252 and 2252A.

7. On or about April 23, 2010, your affiant and other agents executed the search warrant for the defendant ROBERT SMITH's residence. Within that residence, agents found numerous pieces of electronics, including three computers. A preliminary forensic examination of those computers revealed more than 100 videos and

2,000 images depicting child pornography. Among those images and videos were the following:

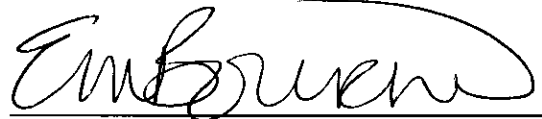
a) **10 yo slave-020.jpg** is a photograph depicting a naked prepubescent girl laying on a bed with her legs spread and her arms and legs tied down and a gag made of rope in her mouth.

b) **PTHC JrH555(cum inside pedo pussy!!!)\_juicy preteen fuck\_dont miss!!!.mpg** is an approximately six-minute video depicting an adult male removing the underwear of a prepubescent female, exposing her genitalia, which he then digitally penetrates. He subsequently appears to engage in sexual intercourse with the prepubescent female.

c) **[####][###] ##### pthc hussyfan\_Pedo Fux Makes.mpg** is an approximately one-minute video depicting two toddlers in a bathtub manually manipulating the genitalia of an adult male.

8. On or about April 23, 2010, I interviewed the defendant ROBERT SMITH. During the course of that interview, he admitted in sum, substance and part that the computers seized from his residence belonged to him and that he had knowingly downloaded image and video files depicting child pornography from the Internet and had retained those files.

WHEREFORE, your affiant respectfully requests that the Court issue an arrest warrant for the defendant ROBERT SMITH so that he may be dealt with according to law.



Emily Bourne  
Special Agent  
Homeland Security Investigations

Sworn to before me this  
28th day of January, 2011



UNITED STATES  
EASTERN DISTRICT OF NEW YORK

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